S.B. Civil Writ Petition NO.1597/2005

Smt. Geeta & Ors.

vs

Gopal & Manok Kumar

DATE OF ORDER : - 21.3.2005

HON'BLE MR. PRAKASH TATIA,J.

Mr.R.S.Chundawat, for the petitioner.

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Heard learned counsel for the petitioner.

The petitioner submitted an application for grant of permission to lead evidence. According to learned counsel for the petitioner, the petitioner's counsel could not reach in court because of the mechanical failure occurred in the bus in which petitioner's advocate was travelling to attend the court. On the same day, i.e., on 20.1.2005, the petitioner's advocate submitted application and that was though taken on record, but the court has not passed the order opening the evidence of the petitioner.

It appears that petitioner in hot haste without waiting for any order on application dated 20.1.2005, preferred this writ petition. The

Presiding Officer of the Motor Accident Claims Tribunal, Sojat City recorded the presentation of the application, which indicates that application was submitted at 3.00 PM after the order to close evidence was passed, therefore, that application could have been decided only on the next date fixed.

In view of the above, I do not find any merit in this writ petition and the same is hereby dismissed as the writ petition is pre-mature.

(Prakash Tatia), J.

c.p.goyal/-